

1 BILL NO. G-93-04-14 (as amended)

2 GENERAL ORDINANCE 12-16-93

3
4 AN ORDINANCE to amend the Municipal Code of the City of
5 Fort Wayne, General Ordinance No. G-31-85, (Housing and
6 Building Standards)

7 WHEREAS, occupants continue to reside in unsafe and insanitary
8 properties as it relates to toxic substance risks; and
9

10 WHEREAS, continual evidence is being found to support known
11 dangers related to the presence of lead-base and other toxic
12 substances in the living environment; and
13

14 WHEREAS, environmental management is the key to controlling
15 the problem of lead poisoning, particularly in children; and
16

17 WHEREAS, the current Housing and Building Standards Ordinance
18 fails to provide adequate means to enforce abatement of lead-based
19 and other toxic substance related violations specifically to
20 thereby protect the health and safety of the community; and
21

22 WHEREAS, by including a specific provision for lead-based and
23 other toxic substance violations under the authority already
24 established by the Housing and Building Standards Ordinance to
25 order properties condemned and vacated, the health and safety of
26 the community can be more effectively secured; and
27

28 WHEREAS, an outline of abatement procedures for property
29 owners and operators is not currently available.
30

31 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE
32 CITY OF FORT WAYNE, INDIANA:

1 Section 1. THAT SECTION 152.46 CONDITIONS OF BUILDINGS
2 CONSTITUTING UNFIT FOR HUMAN OCCUPANCY. BE AMENDED TO INCLUDE:

3 (c) The presence of lead-based paint or any other toxic
4 substance that presents a health and safety risk to the occupants
5 or the public;

6 (d) Conditions or defects described in section 152.31
7 (Ord.No.G-31-85, passed 12-23-85) ('74 Code, Section 14.7-22)

8
9 AND THAT THE EXISTING SECTION "(c)" BE DELETED AND REPLACED
10 WITH THE ABOVE PROVISION "(c)".

11
12 Section 2. THAT SECTION 152.14 SAFETY AND SANITARY
13 MAINTENANCE. BE AMENDED TO INCLUDE:

14 (B)(2)(d)3. No paint shall be used for interior or exterior
15 painting of any dwelling, dwelling unit, rooming house or rooming
16 unit that is lead based. In the event lead based substances are
17 found in an existing dwelling, dwelling unit, rooming house or
18 rooming unit, it shall be abated in the following manner:

19 a. The floor and/or ground should be covered with tarps to
20 collect the paint chips. Loose, peeling or cracking surfaces shall
21 be scraped and thoroughly washed, including floor surfaces, window
22 sills, woodwork and tables. Lead based paint chips and flakes
23 should be contained in a sealed plastic bag and stored where
24 children cannot come into further contact.

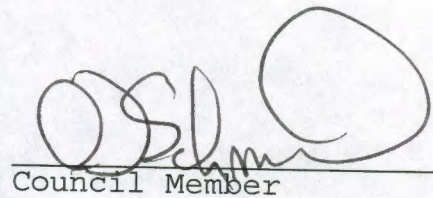
25 b. Children should not be present in the work area, and
26 workers in the area should be particularly careful to shower and
27 wash clothing before contacting children.

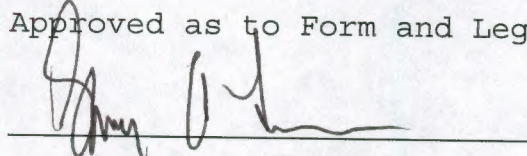
28 c. Safety goggles and approved respirator masks should be used
29 by all workers in the area. Workers should leave the area and
30 thoroughly wash their hands and arms before eating, drinking or
31 smoking.
32

FOUR STAR BOND
SOUTH WORTH CO. U.S.A.

1 d. Surfaces must be sealed by repainting with at least two (2)
2 coats of nonleaded paint, or they must be covered with a suitable
3 material such as wallboard, wallpaper, contact paper, plywood,
4 plaster, or other paneling material.

5
6 Section 3. THAT THIS ORDINANCE BE IN FULL FORCE AND EFFECT
7 FROM AND AFTER ITS PASSAGE AND ANY AND ALL NECESSARY APPROVAL BY
8 THE MAYOR, AND ALL NECESSARY PUBLICATION.

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11 
12 Council Member

13 Approved as to Form and Legality
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Read the first time in full and on motion by _____,
seconded by _____, and duly adopted, read the second time by _____,
title and referred to the Committee on _____ (and the
City Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Common Council Conference Room 128, City-County
Building, Fort Wayne, Indiana, on _____, the _____ day
of _____, 19_____, at _____ o'clock _____ M., E.S.T.

DATED: _____

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Ravine,
seconded by _____, and duly adopted, placed on its passage.
PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>6</u>			<u>3</u>
BRADBURY				<u>1</u>
EDMONDS	<u>✓</u>			
GiaQUINTA	<u>✓</u>			
HENRY				<u>1</u>
LONG				<u>1</u>
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 5-4-93.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 2-16-93
on the 4th day of May, 1993

ATTEST:

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)
Mark C. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 5th day of May, 1993,
at the hour of 11:30 o'clock PM, E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 6th day of May,
1993, at the hour of 10:30 o'clock PM, E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR



Office of the Mayor

MEMORANDUM

Paul Helmke, Mayor

TO: Members of the City Council
FROM: Greg Purcell, Chief of Staff
DATE: April 30, 1993
SUBJECT: Lead Based Paint Amendment

Last week, Councilman Schmidt contacted Gary Baeten, Neighborhood Code Enforcement Administrator, requesting an amendment to the lead-based paint ordinance. Councilman Schmidt specifically asked that we provide an amendment that would describe, in ordinance form, the procedure to be followed in lead-based paint abatement.

It is my view that it would be inappropriate to begin citing specific procedures for compliance with City Codes in the ordinance. If we were to start this, the volume of the Safe Housing Ordinance would increase one hundred fold in a very short period of time.

However, in recognition of Councilman Schmidt's concern, I want to assure Council Members of the abatement procedure that will be utilized by Neighborhood Code Enforcement. That procedure is shown below, and will be the enforcement reference for anyone cited for violation of lead-based paint regulations.

- 1) The floor and/or ground shall be covered with tarp to collect paint chips. Loose, peeling, or cracking surfaces shall be scraped and thoroughly washed, including floor surfaces, window sills, woodwork, and tables. Lead-based paint chips and flakes shall be contained in a sealed plastic bag and stored where children cannot come into further contact.
- 2) Children shall not be present in the work area, and workers in the area shall be particularly careful to shower and wash clothing before contacting children.
- 3) Safety goggles and approved respirator masks shall be used by all workers in the area. Workers shall leave the area and thoroughly wash their hands and arms before eating, drinking, or smoking.
- 4) Surfaces must be sealed by repainting with at least two

(2) coats of non-lead paint, or they must be covered with a suitable material such as wallboard, wallpaper, contact paper, plywood, plaster, or other paneling material.

I hope this will resolve the concerns expressed by Councilman Schmidt while not setting a precedent that we describe specific improvements or code correction procedures in the text of the City Code.

Again, while we do not recommend including these procedures in the ordinance, as a courtesy to Councilman Schmidt, we have attached the draft ordinance amendment he requested.

GP/gb

cc: Gary Baeten

DIGEST SHEET

TITLE OF ORDINANCE: Lead-Based Paint / Toxic Substances

DEPARTMENT REQUESTING ORDINANCE: Neighborhood Code Enforcement

SYNOPSIS OF ORDINANCE: To abate the risk of lead-based paint and/or toxic substance poisoning within the community.

IF NOT LOWEST, WHO WAS AND WHY WERE THEY NOT AWARDED:

EFFECT OF PASSAGE: Reducing the risk of lead-based paint and/or toxic substance poisoning within the community. This language is to specify the abatement procedure upon lead findings, thereby insuring the safe removal of the hazard.

IF REPLACEMENT, WHAT NECESSITATES:

EFFECT OF NON-PASSAGE: Continued risk of lead-based paint and/or toxic substance poisoning, particularly with children.

MONIES INVOLVED: None

ACCOUNT INFO:

PRICE AGREEMENT:

PURCHASE ORDER:

SOURCE OF FUNDING:

PRIOR APPROVAL:
(IF APPLICABLE)

DATE:



MEMORANDUM

NEIGHBORHOOD CODE ENFORCEMENT

TO: Members of City Council

FROM: Gary Baeten, Administrator, Neighborhood Code Enforcement

DATE: April 7, 1993

SUBJECT: Amendment to the City Safe Housing Code

Background

Because occupants continue to reside in unsafe and insanitary properties as it relates to lead-based and toxic substance risks, the Allen County Board of Health has requested that Neighborhood Code Enforcement specify the problem in the Safe Housing ordinance so they can effectively enforce the abatement of these risks. Continual evidence is being found to support known dangers related to the presence of lead-base and other toxic substances in the living environment, particularly in children.

Review of Alternatives

Currently, the Safe Housing Ordinance fails to provide adequate means to enforce abatement of lead-based and other toxic substance related violations. By including a specific provision for these violations under the authority already established by the ordinance to order properties condemned and vacated, the health and safety of the community can be more effectively secured.

Neighborhood Code Enforcement officers will cite the alleged violation upon property inspections, post a condemn and vacate order and make a referral to the Allen County Board of Health for further investigation and analysis. Interim guidelines are provided by the Department of Housing & Urban Development, Section 302, Lead Based Paint Poisoning Prevention Act.

Recommendation

The proposed ordinance would provide the Department of Neighborhood Code Enforcement the authority to condemn and vacate properties at risk of lead-based paint and/or toxic substance exposure, thereby elevating the health and safety of the community.

GP/NE/sjg

1 BILL NO. G-93-04-14

2 GENERAL ORDINANCE _____

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5 Fort Wayne, General Ordinance No. G-31-85, (Housing and Building
6 Standards)

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9 insanitary properties as it relates to toxic substance risks;
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12 WHEREAS, continual evidence is being found to support known
13 dangers related to the presence of lead-base and other toxic
14 substances in the living environment; and

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16 WHEREAS, environmental management is the key to controlling
17 the problem of lead poisoning, particularly in children; and

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19 WHEREAS, the current Housing and Building Standards
20 Ordinance fails to provide adequate means to enforce abatement
21 of lead-based and other toxic substance related violations
22 specifically to thereby protect the health and safety of the
23 community; and

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25 WHEREAS, by including a specific provision for lead-based
26 and other toxic substance violations under the authority already
27 established by the Housing and Building Standards Ordinance to
28 order properties condemned and vacated, the health and safety of
29 the community can be more effectively secured.

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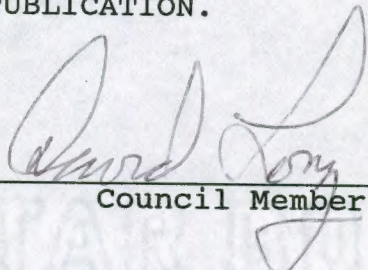
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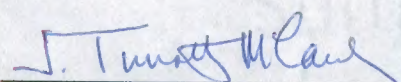
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8 (d) Conditions or defects described in section 152.31
9 (Ord.No.G-31-85, passed 12-23-85) ('74 Code, Section 14.7-22)

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11 AND THAT THE EXISTING SECTION "(c)" BE DELETED AND REPLACED
12 WITH THE ABOVE PROVISION "(c)".

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15 FROM AND AFTER ITS PASSAGE AND ANY AND ALL NECESSARY APPROVAL BY
16 THE MAYOR, AND ALL NECESSARY PUBLICATION.

17
18 
19 _____
20 Council Member

21 Approved as to Form and Legality

22 
23 _____
24 Tim McCaulay, City Attorney
25
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Read the first time in full and on motion by Larg, seconded by _____, and duly adopted, read the second time by _____ title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 4-13-93

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____, seconded by _____, and duly adopted, placed on its passage.
PASSED LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____
<u>EDMONDS</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	_____	_____	_____	_____
<u>HENRY</u>	_____	_____	_____	_____
<u>LONG</u>	_____	_____	_____	_____
<u>LUNSEY</u>	_____	_____	_____	_____
<u>RAVINE</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____

DATED: _____

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. _____ on the _____ day of _____, 19____

ATTEST: (SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

PAUL HELMKE, MAYOR

DIGEST SHEET

TITLE OF ORDINANCE: Lead-Based Paint / Toxic Substances

DEPARTMENT REQUESTING ORDINANCE: Neighborhood Code Enforcement

SYNOPSIS OF ORDINANCE: To abate the risk of lead-based paint and/or toxic substance poisoning within the community.

IF NOT LOWEST, WHO WAS AND WHY WERE THEY NOT AWARDED:

EFFECT OF PASSAGE: Reducing the risk of lead-based paint and/or toxic substance poisoning within the community.

IF REPLACEMENT, WHAT NECESSITATES:

EFFECT OF NON-PASSAGE: Continued risk of lead-based paint and/or toxic substance poisoning, particularly with children.

MONIES INVOLVED: None

ACCOUNT INFO:

PRICE AGREEMENT:

PURCHASE ORDER:

SOURCE OF FUNDING:

PRIOR APPROVAL:
(IF APPLICABLE)

DATE:

BILL NO. G-93-04-14 (*as amended*)

REPORT OF THE COMMITTEE ON
REGULATIONS

DAVID C. LONG & REBECCA J. RAVINE - CO-CHAIRPERSONS
LUNSEY, SCHMIDT

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amend the Municipal
Code of the City of Fort Wayne, General Ordinance G-31-85,
(Housing and Building Standards)

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

[Handwritten signatures under DO PASS]

[Handwritten signatures under NO REC]

DATED: 5-4-93.

Sandra E. Kennedy
City Clerk



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

May 10, 1993

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the dates of
May 13 & May 20, 1993, in both the News Sentinel and
Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-93-04-14 (as amended)
General Ordinance No. G-16-93

(Housing and Building Standards)

Please send us 3 copies of the Publisher's Affidavit from
both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL:1

LEGAL NOTICE

Notice is hereby given that on the 4th day of
May, 19 93, the Common Council of the City
of Fort Wayne, Indiana, in a Special Session did pass
the following Bill No. G-93-04-14 (as amended) General
Ordinance No. G-16-93 to-wit:

1 BILL NO. G-93-04-14 (as amended)

2 GENERAL ORDINANCE G-16-93

3
4 AN ORDINANCE to amend the Municipal Code of the City of
5 Fort Wayne, General Ordinance No. G-31-85, (Housing and
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9 properties as it relates to toxic substance risks; and

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16 the problem of lead poisoning, particularly in children; and

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18 WHEREAS, the current Housing and Building Standards Ordinance
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21 thereby protect the health and safety of the community; and

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23 WHEREAS, by including a specific provision for lead-based and
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2 CONSTITUTING UNFIT FOR HUMAN OCCUPANCY. BE AMENDED TO INCLUDE:

3 (c) The presence of lead-based paint or any other toxic
4 substance that presents a health and safety risk to the occupants
5 or the public;

6 (d) Conditions or defects described in section 152.31
7 (Ord.No.G-31-85, passed 12-23-85) ('74 Code, Section 14.7-22)
8

9 AND THAT THE EXISTING SECTION "(c)" BE DELETED AND REPLACED
10 WITH THE ABOVE PROVISION "(c)".
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12 Section 2. THAT SECTION 152.14 SAFETY AND SANITARY
13 MAINTENANCE. BE AMENDED TO INCLUDE:

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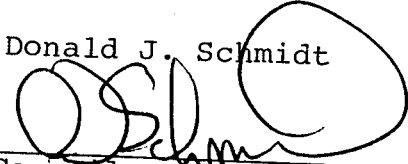
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26 workers in the area should be particularly careful to shower and
27 wash clothing before contacting children.

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29 by all workers in the area. Workers should leave the area and
30 thoroughly wash their hands and arms before eating, drinking or
31 smoking.
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1 d. Surfaces must be sealed by repainting with at least two (2)
2 coats of nonleaded paint, or they must be covered with a suitable
3 material such as wallboard, wallpaper, contact paper, plywood,
4 plaster, or other paneling material.

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6 Section 3. THAT THIS ORDINANCE BE IN FULL FORCE AND EFFECT
7 FROM AND AFTER ITS PASSAGE AND ANY AND ALL NECESSARY APPROVAL BY
8 THE MAYOR, AND ALL NECESSARY PUBLICATION.

9
10 Donald J. Schmidt
11 
12 Council Member

Read the third time in full and on motion by Ravine, and
duly adopted, placed on its passage. PASSED by the following vote:

AYES: Six
Edmonds, GiaQuinta, Lunsey, Ravine,
Schmidt, Talarico

NAYS: None

ABSTAINED: None

ABSENT: Three
Bradbury, Long, Henry

DATED: 5-4-93

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of
Fort Wayne, Indiana, as General Ordinance No. G-16-93 on the 4th day
of May, 1993

ATTEST:

SEAL

Sandra E. Kennedy
City Clerk

Mark E. GiaQuinta
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne,
Indiana, on the 5th day of May, 1993, at the hour of 11:30 o'clock
A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 6th day of May, 1993, at the
hour of 10:30 o'clock P.M., E.S.T.

Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify
that the above and foregoing is a full, true and complete copy of
General _____ Ordinance No. G-16-93
passed by the Common Council on the 4th day of
May, 1993, and that said Ordinance was
duly signed and approved by the Mayor on the 6th day of
May, 1993, and now remains on file and
on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne,
Indiana, this 6th day of May, 1993.

SEAL

Fort Wayne Common Council
(Governmental Unit)

Allen County, Indiana

To: The News-Sentinel Dr.
P.O. Box 100
Fort Wayne, IN

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

LEGAL NOTICE
Notice is hereby given that on the 4th day of May, 1993, the Common Council of the City of Fort Wayne, Indiana, in a Special Session did pass the following Bill No. G-93-04-14 (as amended) General Ordinance No. G-16-93 to-wit:
BILL NO. G-93-04-14 (as amended)
GENERAL ORDINANCE G-16-93
AN ORDINANCE to amend the Municipal Code of the City of Fort Wayne, General Ordinance No. G-31-85, (Housing and Building Standards)
WHEREAS, occupants continue to reside in unsafe and insanitary properties as it relates to toxic substance risks; and
WHEREAS, continual evidence is being found to support known dangers related to the presence of lead-based and other toxic substances in the living environment; and
WHEREAS, environmental management is the key to controlling the problem of lead poisoning, particularly in children; and
WHEREAS, the current Housing and Building Standards Ordinance fails to provide adequate means to enforce abatement of lead-based and other toxic substance related violations specifically to thereby protect the health and safety of the community; and
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(d) Conditions or defects described in section 152.31 (Ord.No.G-31-85, passed 12-23-85) ('74 Code, Section 14.7-22)
AND THAT THE EXISTING SECTION (c) BE DELETED AND REPLACED WITH THE ABOVE PROVISION (c).
Section 2. THAT SECTION 152.14 SAFETY AND SANITARY MAINTENANCE. BE AMENDED TO INCLUDE:
(B) (2) (d) 3. No paint shall be used for interior or exterior painting of any dwelling, dwelling unit, rooming house or rooming unit that is lead based. In the event lead based substances are found in an existing dwelling, dwelling unit, rooming house or rooming unit, it shall be abated in the following manner:
a. The floor and/or ground should be covered with tarps to collect the paint chips. Loose, peeling or cracking surfaces shall be scraped and thoroughly washed, including floor surfaces, window sills, woodwork and tables. Lead based paint chips and flakes should be contained in a sealed plastic bag and stored where children cannot come into further contact.
b. Children should not be present in the work area, and workers in the area should be particularly careful to shower and wash clothing before contacting children.
c. Safety goggles and approved respirator masks should be used by all workers in the area. Workers should leave the area and thoroughly wash their hands and arms before eating, drinking or smoking. Surfaces must be sealed by repainting with at least two (2) coats of nonleaded paint, or they must be covered with a suitable material such as wallboard, wallpaper, contact paper, plywood, plaster, or other paneling material.
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Edmonds, GiaQuinta, Lunsey, Ravine, Schmidt, Talarico
NAYS: None
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ABSENT: Three
Bradbury, Long, Henry
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City Clerk
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City Clerk
Mark E. GiaQuinta
Presiding Officer
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Sandra E. Kennedy
City Clerk
Approved and signed by me this 6th day of May, 1993, at the hour of 10:30 o'clock P.M., E.S.T.
Paul Helmke
Mayor
I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-16-93 passed by the Common Council on the 4th day of May, 1993, and that said Ordinance was duly signed and approved by the Mayor on the 6th day of May, 1993, and now remains on file and on record in my office.
WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 6th day of May, 1993.
SANDRA E. KENNEDY, CITY CLERK
#957
5-13-20

notice

REGES

columns wide equals 122 equivalent lines

\$ 60.39

ices containing rule or tabular work (unt)

publication (\$1.00 for each proof in excess of two)

1.00

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\$ 61.39

COST

2.5 ems

2

s and penalties of Chapter 155, Acts 1953,

foregoing account is just and correct, that the amount ter allowing all just credits, and that no part of the

19 93 Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)
) ss:
Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Nikki Allred who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two time s, the dates of publication being as follows:

5/13, 20/93

Subscribed and sworn to before me this 20th day of May, 19 93.

My commission expires:

ANNE M. PERKINS
NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY
MY COMMISSION EXP. NOV 20 1993

Form Prescribed by State Board of Accounts

Fort Wayne Common Council

(Governmental Unit)

Allen

County, Indiana

Ger

The Journal

P.O. Box 10

Fort Wayne

To:

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set) -- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

122 lines, 1 columns wide equals 122 equivalent lines at .495 cents per line

Additional charge for notices containing rule or tabular work (50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 2

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: May 20, 19 93

Title: CI

LEGAL NOTICE

Notice is hereby given that on the 4th day of May, 1993, the Common Council of the City of Fort Wayne, Indiana, in a Special Session did pass the following Bill No. G-93-04-14 (as amended) General Ordinance No. G-16-93 to-wit:

BILL NO. G-93-04-14 (as amended)

GENERAL ORDINANCE G-16-93

AN ORDINANCE to amend the Municipal Code of the City of Fort Wayne, General Ordinance No. G-31-85, (Housing and Building Standards)

WHEREAS, occupants continue to reside in unsafe and insanitary properties as it relates to toxic substance risks; and

WHEREAS, continual evidence is being found to support known dangers related to the presence of lead-base and other toxic substances in the living environment; and

WHEREAS, environmental management is the key to controlling the problem of lead poisoning, particularly in children; and

WHEREAS, the current Housing and Building Standards Ordinance fails to provide adequate means to enforce abatement of lead-based and other toxic substance related violations specifically to thereby protect the health and safety of the community; and

WHEREAS, by including a specific provision for lead-based and other toxic substance violations under the authority already established by the Housing and Building Standards Ordinance to order properties condemned and vacated, the health and safety of the community can be more effectively secured; and

WHEREAS, an outline of abatement procedures for property owners and operators is not currently available.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. THAT SECTION 152.46 CONDITIONS OF BUILDINGS CONSTITUTING UNFIT FOR HUMAN OCCUPANCY, BE AMENDED TO INCLUDE:

(c) The presence of lead-based paint or any other toxic substance that presents a health and safety risk to the occupants or the public;

(d) Conditions or defects described in section 152.31 (Ord.No.G-31-85, passed 12-23-85) ('74 Code, Section 14.7-22)

AND THAT THE EXISTING SECTION (c) BE DELETED AND REPLACED WITH THE ABOVE PROVISION (c).

Section 2. THAT SECTION 152.14 SAFETY AND SANITARY MAINTENANCE, BE AMENDED TO INCLUDE:

(B) (2) (d) 3. No paint shall be used for interior or exterior painting of any dwelling, dwelling unit, rooming house or rooming unit that is lead based. In the event lead based substances are found in an existing dwelling, dwelling unit, rooming house or rooming unit, it shall be abated in the following manner:

a. The floor and/or ground should be covered with tarps to collect the paint chips. Loose, peeling or cracking surfaces shall be scraped and thoroughly washed, including floor surfaces, window sills, wood-work and tables. Lead based paint chips and flakes should be contained in a sealed plastic bag and stored/where children cannot come into further contact.

b. Children should not be present in the work area, and workers in the area should be particularly careful to shower and wash clothing before contacting children.

c. Safety goggles and approved respirator masks should be used by all workers in the area. Workers should leave the area and thoroughly wash their hands and arms before eating, drinking or smoking.

Surfaces must be sealed by repainting with at least two (2) coats of nonleaded paint, or they must be covered with a suitable material such as wallboard, wallpaper, contact paper, plywood, plaster, or other paneling material.

Section 3. THAT THIS ORDINANCE BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE AND ANY AND ALL NECESSARY APPROVAL BY THE MAYOR, AND ALL NECESSARY PUBLICATION.

Read the third time in full and on motion by Ravine, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Six
Edmonds, GiaQuinta, Lunsey, Ravine,
Schmidt, Talarico
NAYS: None
ABSTAINED: None
ABSENT: Three
Bradbury, Long, Henry
DATED: 5-4-93

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-16-93 on the 4th day of May, 1993

ATTEST:
Sandra E. Kennedy
City Clerk
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 5th day of May, 1993, at the hour of 11:30 o'clock A.M., E.S.T.

Mark E. GiaQuinta
Presiding Officer

Approved and signed by me this 6th day of May, 1993, at the hour of 10:30 o'clock P.M., E.S.T.

Sandra E. Kennedy
City Clerk

Paul Helmke
Mayor

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5-13-20 #957

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

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undersigned Nikki Allred who, being

she is Clerk of the The Journal-Gazette

circulation printed and published in the English language

Fort Wayne, IN in state and county aforesaid, and

attached hereto is a true copy, which was duly published

two time s, the dates of publication being

5/13, 20/93

Subscribed and sworn to before me this 20th day of May

NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY
MY COMMISSION EXP. NOV. 26

My commission expires: NOV. 26, 1995

Fort Wayne Common Council
(Governmental Unit)
Allen County, Indiana

To: The Journal-Gazette
P.O. Box 100
Fort Wayne, IN Dr.

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NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY

My commission expires: MY COMMISSION EXP. NOV. 20, 1993

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BILL NO. G-93-04-14 (as amended)
GENERAL ORDINANCE G-16-93
AN ORDINANCE to amend the Municipal Code of the City of Fort Wayne, General Ordinance No. G-31-85, (Housing and Building Standards) WHEREAS, occupants continue to reside in unsafe and insanitary properties as it relates to toxic substance risks; and
WHEREAS, continual evidence is being found to support known dangers related to the presence of lead-based and other toxic substances in the living environment; and
WHEREAS, environmental management is the key to controlling the problem of lead poisoning, particularly in children; and
WHEREAS, the current Housing and Building Standards Ordinance fails to provide adequate means to enforce abatement of lead-based and other toxic substance related violations specifically to thereby protect the health and safety of the community; and
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